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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/614,740	07/08/2003	John Frank Kralic	T2211-908586	6209

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EXAMINER

WUJCIAK, ALFRED J

ART UNIT	PAPER NUMBER
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3632

DATE MAILED: 07/06/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/614,740

Applicant(s)

KRALIC, JOHN FRANK

Examiner

Alfred Joseph Wujciak III

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 09 June 2005.  
2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 28-59 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
6) ☒ Claim(s) 28-59 is/are rejected.  
7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.  
10) ☒ The drawing(s) filed on 08 July 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☒ All b) ☐ Some \* c) ☐ None of:  
1. ☒ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)  
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 6/9/05.  
4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.  
5) ☐ Notice of Informal Patent Application (PTO-152)  
6) ☐ Other: \_\_\_\_\_.

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### DETAILED ACTION

This is the first Office Action for the serial number 10/614,740, UTILITY POLE CROSS-ARM AND ASSOCIATED POLE-TOP HARDWARE, filed on 7/8/03.

#### *Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 28, 31-32, 34, 36, 38-50, 52-53 and 55-59 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent # 6,142,434 to Trost et al. and in view of US Patent # 5,942,731 to Rogerson.

Trost et al. teaches a cross arm (22) for a utility pole (12) having a fastening system. The fastening system includes clamping means (10). The clamping means is being secured to pole operative to extend about the cross arm. The clamping means includes a saddle/seat (46) that incorporates end portion of cross arm. The clamping means having a clamping force (44) for clamping about the pole. The saddle/seat secures the cross arm by mechanical fastening (86). The cross arm has an extension arm (14) extending upwardly from the cross-arm.

Trost et al. teaches the cross arm and extension arm but fails to teach the cross arm and extension arm are formed of metallic and coated with insulatory coating. Rogerson teaches metallic structures (col. 5, lines 34-37) coated with insulatory coating by polymeric material and

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powder coated (col. 5, line 47). It would have been obvious for one of ordinary skill in the art at the time the invention was made to have modified Trost et al.'s cross arm with metallic and coated with plastic insulating material as taught by Shaffer to provide additional strength for supporting an object above thereon and to prevent electrical shock.

In regards to claim 34, Trost et al. in view of Rogerson teaches the polymeric material but fails to teach the polymeric material is thermoplastic. It would have been obvious for one of ordinary skill in the art at the time the invention was made to have modified Trost et al. in view of Rogerson's polymeric material to thermoplastic to provide designer's preference for the kind of polymeric material to use as coating.

In regard to claims 57-59, Trost et al. in view of Rogerson teaches all elements above but fails to teach the use of elements in method. It would have been obvious for one of ordinary skill in the art at the time the invention was made to have specified steps for elements in method to provide a convenience for setting up the cross arm on the pole.

Claims 29 and 37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Trost et al. and in view of Rogerson and in further view of US Patent # 3,803,570 to Barlow et al.

Trost et al. in view of Rogerson teaches the insulatory coating but fails to teach the coating having dielectric strength of greater than 10KV/mm. Barlow et al. teaches the coating having dielectric (40). It would have been obvious for one of ordinary skill in the art at the time

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the invention was made to have added dielectric to Trost et al. in view of Rogerson's coating as taught by Barlow et al. to reduce electric static on the cross arm.

Trost et al. in view of Rogerson and Barlow et al. teaches the dielectric but fails to teach the dielectric having strength of greater than 10KV/mm. It would have been obvious for one of ordinary skill in the art at the time the invention was made to have increased Trost et al. in view of Rogerson and Barlow et al.'s dielectric strength greater than 10KV/mm to reduce elastic static on the cross arm.

Claims 30 is rejected under 35 U.S.C. 103(a) as being unpatentable over Trost et al. and in view of Rogerson and in further view of United Kingdom Patent Application 2,384,223 to Lawson.

Trost et al. teaches the cross-arm but fails to teach the cross-arm comprises a hollow steel section. Lawson teaches the cross-arm (2) comprises hollow steel section. It would have been obvious for one of ordinary skill in the art at the time the invention was made to have modified Trost et al.'s cross-arm with hollow steel section as taught by Lawson to reduce weight of cross-arm.

Claims 33, 35 and 51 are rejected under 35 U.S.C. 103(a) as being unpatentable over Trost et al. and in view of Rogerson and in further view of US Patent # 6,146,576 to Blackmore.

Trost et al. in view of Rogerson teaches the coating but fails to teach coating is made of nylon material or epoxy (claim 5). Blackmore teaches the coating (16) made of nylon material. It would have been obvious for one of ordinary skill in the art at the time the invention was made

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to have modified Trost et al. in view of Rogerson's coating with nylon material as taught by Blackmore to provide designer's choice of material for coating.

Claims 54 is rejected under 35 U.S.C. 103(a) as being unpatentable over Trost et al. and in view of Rogerson and in further view of US Patent # 6,464,196 to Crookham et al.

Trost et al. teaches the pole (12) but fails to teach the pole is made of steel. Crookham et al. teaches the pole (20) is made of steel. It would have been obvious for one of ordinary skill in the art at the time the invention was made to have modified Trost et al.'s pole with steel as taught by Crookham et al. to provide additional strength in the pole to withstand the bad storm.

### *Response to Arguments*

Applicant's arguments with respect to claims 28-59 have been considered but are moot in view of the new ground(s) of rejection.

On page 10 of applicant's argument in the last paragraph stating that "Blackmore discloses a unique composite material impregnated with a heat curable resin. Blackmore teaches nothing about utility poles from which the cable would support in distributing the electrical power." The examiner disagrees with the applicant because Blackmore's invention is for coating on utility pole (col. 6, lines 49-51) and that pole is capable of supporting cable there above for electrical power.

With respect to applicant's argument on page 11, stating that "Crookham et al. teaches nothing about utility poles which the cable would support in distributing the electrical power." The examiner disagrees because Crookham et al.'s invention contains a utility pole (20) for

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supporting light above the frame and is capable of supporting cable there above for electrical power.

### *Conclusion*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alfred Joseph Wujciak III whose telephone number is (571) 272-6827. The examiner can normally be reached on 8am-4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Leslie A. Braun can be reached on (571) 272-6815. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Alfred Joseph Wujciak III  
Examiner  
Art Unit 3632



6/16/05